

AMENDED IN SENATE MAY 22, 2003  
AMENDED IN ASSEMBLY APRIL 22, 2003  
AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 421**

**Introduced by Assembly Members Dymally and Cox**

February 14, 2003

---

---

An act to add Section 109297 to the Health and Safety Code, relating to cancer, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 421, as amended, Dymally. Prostate cancer treatment: PC-SPES.

Existing law prohibits any person from undertaking to treat or alleviate cancer by use of drugs, surgery, or radiation unless the person holds a license issued under a law of this state expressly authorizing the diagnosis and treatment of disease by use of drugs, surgery, or radiation. Existing law requires, upon written request of the State Department of Health Services, any person or entity engaged in treating cancer to furnish to the department a sample, specify the formula, and name all ingredients, of any drug, medicine, compound, or device used or prescribed by the person or entity.

This bill would state findings and declarations with respect to the use of a product known as PC-SPES by prostate cancer patients.

This bill would allow the marketing in California of any product that contains the contaminant-free original formula of ingredients contained

in PC-SPES if the product is properly manufactured, marketed, and labeled in accordance with state and federal law.

~~This bill would also require any physician and surgeon who recommends the product to a patient with prostate cancer to explain to the patient the potential benefits and risks of the product's use and disclose to the patient possible alternatives to the product.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) A product known as PC-SPES has been used by residents  
4 in this state diagnosed with prostate cancer.

5 (2) The product is no longer available to residents who desire  
6 to continue using the product because the sole producer of the  
7 product voluntarily withdrew the product from the market after the  
8 product was found to be contaminated with certain drug  
9 components.

10 (3) Many residents of California with prostate cancer would  
11 like access to contaminant-free PC-SPES.

12 SEC. 2. Section 109297 is added to the Health and Safety  
13 Code, to read:

14 109297. ~~(a)~~ Any product that contains the contaminant-free  
15 original formula of ingredients contained in the product known as  
16 "PC-SPES" may be marketed in California if the manufacturing,  
17 marketing, and labeling of the product satisfy all applicable state  
18 and federal laws.

19 ~~(b) A physician and surgeon who recommends any product that~~  
20 ~~contains the contaminant-free original formula of ingredients~~  
21 ~~contained in the product known as "PC-SPES" to a patient with~~  
22 ~~prostate cancer shall do all of the following:~~

23 ~~(1) Explain to the patient the potential benefit of using this~~  
24 ~~product.~~

25 ~~(2) Disclose to the patient the risks, complications, and other~~  
26 ~~side effects of using this product.~~

1     ~~(3) Disclose to the patient alternatives to this product, if any,~~  
2     ~~including procedures, drugs, or devices, along with their potential~~  
3     ~~benefits, risks, and complications.~~

4     SEC. 3. This act is an urgency statute necessary for the  
5     immediate preservation of the public peace, health, or safety  
6     within the meaning of Article IV of the Constitution and shall go  
7     into immediate effect. The facts constituting the necessity are:

8     In order to prevent unnecessary deaths from prostate cancer by  
9     ensuring that men suffering from this disease are able to obtain the  
10    product known as PC-SPES to treat their prostate cancer as soon  
11    as possible, it is necessary that this ~~bill~~ *act* take effect immediately.

